

Remarks:

Although this Response includes amendments that address issues raised in a Final Office Action, Applicant believes that these amendments place the present application in condition for allowance since they were specifically suggested by the Examiner in order to place the application in condition for allowance. Applicant therefore respectfully requests entry of the foregoing amendments. With entry of these amendments, claims 12-13 and 19-22 are pending in this application, with claims 12 and 20 being independent claims. Claims 12 and 20 are currently amended. These changes are believed not to introduce new matter and their entry is respectfully requested.

Applicant notes that the Office Action of February 5, 2008, fails to include claim 13 as pending. Applicant assumes that this is a simple oversight, as claim 13 has not been withdrawn or canceled by Applicant. Applicant requests that claim 13 be treated as pending by the Examiner, and Applicant asserts that claim 13, being dependent on claim 12, is in condition for allowance.

Rejections under 35 U.S.C. § 112

Claims 12 and 19-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner asserts that in regard to claim 12, there is no antecedent basis for “the outside,” and it was suggested that the fastener is attached to the outside of the bottom surface of the mat. The Examiner also states that when the appropriate structure is added to the claim the

functional recitation “for securing the closed end of the apparatus to an external surface” can remain. The Examiner also asserts that the fastener on the protective mat should be claimed as a complementary component that complements and connects to the fastener on the tree stand base surface. The Examiner also asserts that the Applicant must add the tree stand structure to the body of the claim, and the Examiner asserts that the preamble needs to claim the tree stand in combination with the apparatus since the fastener on the stand is being claimed. The Examiner also asserts that claim 20 also must provide the tree stand and the step of standing in the tree stand. The Examiner also asserts that there is no antecedent basis for “the outside” in claim 20.

In response thereto, Applicant has amended claims 12 and 20 pursuant to the Examiner’s suggestions. Since the Examiner stated that claims 12 and 19-22 would be allowable if rewritten or amended as set forth in the Office Action, and as Applicant has indeed made the suggested amendments, Applicant respectfully requests that the rejections under 35 U.S.C. § 112 be withdrawn. As there are no other outstanding grounds of rejection, Applicant asserts that the present application is in condition for allowance.

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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